

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 IO-15 CU-04 NIC-01 ACDA-19 MBFR-04

SAJ-01 OMB-01 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SPC-03 SS-15

USIA-15 NEA-10 DRC-01 /153 W
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R 281841Z SEP 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC 7725

INFO AMEMBASSY BUDAPEST

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY PRAGUE

AMEMBASSY SOFIA

AMEMBASSY WARSAW

USMISSION BERLIN

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 14119

E.O. 11652: GDS

TAGS: PFOR, GW, UR, CZ, PO

SUBJECT: SCHEEL CONVERSATIONS WITH CHNOUPEK AND OLSZOWSKI

REF: A) BONN 13756 B) BONN 13681

SUMMARY: AT BONN GROUP MEETING SEPTEMBER 27 FRG REP (BLECH) REPORTED ON LEGAL ASSISTANCE ASPECTS OF SCHEEL'S TALKS IN NEW YORK WITH CZECH FONMIN CHNOUPEK AND POLISH FONMIN OLSZOWSKI. BOTH EE FONMINS GAVE IMPRESSION THAT PROGRESS WAS POSSIBLE, BUT NEITHER MADE CONCRETE PROPOSALS. FRG AND CSSR AGREED TO HOLD WORKING LEVEL TALKS IN PRAGUE, POSSIBLY IN MID-OCTOBER (SCHEEL IS SCHEDULED TO GO TO WARSAW OCTOBER 18-20, AND TO MOSCOW AT END OF OCTOBER). END SUMMARY.

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1. DURING HIS CONVERSATION ON SEPTEMBER 24 WITH OLSZOWSKI, BLECH REPORTED, SCHEEL MENTIONED THE CURRENT DIFFICULTIES OVER LEGAL ASSISTANCE AND IN CONNECTION WITH BILATERAL SPORTS EXCHANGES (FRG SOCCER TEAM , WHICH INCLUDED BERLINERS, CANCELLED ITS GAME IN WARSAW LAST SATURDAY BECAUSE POLES HAD MADE CLEAR THEIR INTENTION TO RAISE WEST BERLIN FLAG AS WELL AS FRG FLAG IN THE STADIUM). SCHEEL SAID THAT THE PROBLEMS WERE OF LIMITED IMPORTANCE, BUT THEY HAD SHOWN THE SENSITIVITY OF FRG PUBLIC ON THESE QUESTIONS. SCHEEL SAID THE LEGAL ASSISTANCE AND FLAG ISSUES DID NOT INVOLVE THE STATUS OF WSB. THE FRG AND POLAND MUST NOT LOSE SIGHT OF THE NEED TO IMPROVE THE BILATERAL CLIMATE, AND THESE TRANSITIONAL DIFFICULTIES SHOULD BE OVERCOME IN ORDER TO MAKE POSSIBLE A CONTINUATION OF THEIR EFFORTS TOWARD DETENTE.

2. OLSZOWSKI REPLIED THAT BOTH SIDES SHOULD MAKE EFFORTS TO FIND SOLUTIONS AND NOTED THAT HE AND SCHEEL COULD CONTINUE THEIR DISCUSSIONS DURING SCHEEL'S UPCOMING VISIT TO WARSAW. OLSZOWSKI SAID THAT THE FRG SHOULD TELL THE POLES FRANKLY WHAT IS UNACCEPTABLE AND THAT BY SO DOING THE PRESENT KIND OF CONFLICT COULD BE AVOIDED. HE ADDED THAT IT SHOULD BE POSSIBLE TO RESOLVE THE PRESENT DIFFICULTIES IF THEY ARE TAKEN UP IN A SINCERE AND CONSTRUCTIVE SPIRIT. HE THEN SAID THAT, REGARDING LEGAL ASSISTANCE, EVERYTHING HAD BEEN SETTLED IN PRINCIPLE. SCHEEL INTERJECTED THAT THE QUESTION OF LEGAL ASSISTANCE WAS NOT IN FACT SETTLED AND A SOLUTION MUST BE FOUND. OLSZOWSKI RESPONDED THAT SCHEEL WAS PRESUMABLY REFERRING TO RECENT POLISH ORDINANCE (SEE REFTEL B), AND HE WISHED TO SAY THAT THE POLISH SIDE WAS NOT INTERESTED IN MAKING A CONFLICT OUT OF THE QUESTION AND THAT THIS ATTITUDE ALSO APPLIED TO THE FLAG PROBLEM.

3. IN THE SCHEEL-CHNOUPEK TALKS, ALSO ON SEPTEMBER 24 IN NEW YORK, CHNOUPEK OPENED THE DISCUSSION OF THE LEGAL ASSISTANCE QUESTION BY EMPHASIZING THAT HIS GOVERNMENT HAD AVOIDED ANY DRAMATIZATION OF THE PROBLEM AND HAD STATED ITS VIEWS IN MATTER OF FACT TERMS. HE THEN ASKED SCHEEL "WHAT NEXT?" SCHEEL RESPONDED THAT THE PROBLEMS REMAINING ON LEGAL ASSISTANCE "WERE ALMOST OF A TECHNICAL NATURE", THAT THE SAME PROBLEM EXISTS WITH OTHER STATES, AND THAT HE HAD HAD DISCUSSIONS ON THE SUBJECT WITH GROMYKO. SCHEEL STATED THAT THE FRG HAD NO INTEREST IN ALTERING OR CIRCUMVENTING THE QA, THAT FRG DOES NOT BELIEVE LEGAL ASSISTANCE QUESTION IS RELATED TO STATUS OF BERLIN, AND THAT WHAT WAS NEEDED WAS A PRACTICAL SOLUTION. SCHEEL REMARKED THAT THE LEGAL ASSISTANCE QUESTION WOULD BE DISCUSSED WITH THE SOVIET UNION WHEN

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HE WENT TO MOSCOW IN OCTOBER (REFTEL A) BUT THE MATTER SHOULD ALSO BE DISCUSSED ON BILATERAL BASIS WITH THE CZECHS. IN THIS CONNECTION, HE SAID THAT FRG-CSSR TALKS SHOULD BE ORIENTED BY THE HAGUE CONVENTION SINCE BOTH ARE SIGNATORIES. CHNOUPEK

- SAID THAT THE CZECH SIDE HAD STUCK EXPLICITLY TO TEXT OF QA, AND HAD NOT INTERPRETED IT,

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BUT IN ANY CASE ONE SHOULD LOOK FOR COMPROMISE. SCHEEL AND CHNOUPEK AGREED THAT CONSULTATIONS SHOULD BE HELD IN PRAGUE ON WORKING LEVEL, POSSIBLY AS SOON AS MID OCTOBER.

4. IN REPORTING ON THESE CONVERSATIONS, BLECH SAID HE WAS WORRIED ABOUT OVER-OPTIMISTIC REPORTING IN THE GERMAN PRESS. HE NOTED THAT FROM SCHEEL CONVERSATIONS WITH THE TWO FOREIGN MINISTERS THERE WERE SOME REASONS TO BE OPTIMISTIC, ESPECIALLY IN THAT THEY DID NOT REITERATE THE STRONG NEGATIVE POSITION THEIR GOVERNMENTS HAD RECENTLY TAKEN. ON THE OTHER HAND, THEY DID NOT MAKE ANY CONCRETE PROPOSALS FOR SOLUTIONS EITHER. BLECH SAID THAT THE MAIN QUESTION IS WHAT WILL HAPPEN WHEN SCHEEL GOES TO MOSCOW. EVEN THOUGH THE EES HAVE ALL SAID THAT THEIR LEGAL ASSISTANCE PROBLEMS WITH FRG ARE CONFIDENTIAL

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STRICTLY BILATERAL, BLECH BELIEVES THAT IT WILL NOT BE POSSIBLE TO GET RESULTS WITH THE EES UNTIL SOME AGREEMENT IS REACHED WITH THE USSR. COMMENTING ON THE OVERALL SOVIET POSITION ON PRESENT DIFFICULTIES WITH OSTPOLITIK, BLECH SAID THERE IS NO DOUBT THAT THE "TIES ELEMENT" (I.E. BETWEEN FRG AND BERLIN) IS THE REAL DANGER FROM SOVIET POINT OF VIEW. BLECH SAID IN GERMAN VIEW THE TIES PROVISION WAS THE DYNAMIC ELEMENT IN THE QA, SPECIFICALLY IN THE WESTERN FAVOR AND, SINCE NO LIMITS WERE SPECIFICALLY FORESEEN, USSR IS NOW SEEKING TO ESTABLISH LIMITS, AND HOPES TO DO SO ON BASIS OF THE STATUS QUO.

5. COMMENT: SCHEEL IS TAKING AN OPTIMISTIC LINE ON THE LEGAL ASSISTANCE ISSUE IN PUBLIC, REFLECTING THE POSITIVE NOTES STRUCK BY OLSZOWSKI AND CHNOUPEK IN NEW YORK. PERHAPS SUPPORTING HIS OPTIMISM IS SOVIET HINT IN NEW YORK THAT PROBLEM OF LEGAL ASSISTANCE MIGHT BE SETTLED IN CONTEXT OF FRG-USSR ECONOMIC TALKS.
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